

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 3, 2011

8:30 A.M. ROLL CALL

Invocation Father Jim Pappas Saint George Greek Orthodox Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Brand - **Presented**

Resolution of Commendation to [John Texeira](#) for 50 years of service as a Housing Authority Board member – Mayor's Office - **To be rescheduled**

Presentation and recognition to the City of Fresno by CASA (Court Appointed Special Advocates for Children) during the 2010 Holiday Toy Drive – Information Services and Personnel Services Depts. - **Recognized**

Presentation of Prime Time for Business "Licensed Contractors Affinity Group", featuring David Fogt, Enforcement Officer, Contractors State License Board" – Downtown and Community Revitalization Dept. – Local Business Initiatives – **Presentation made**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of January 27, 2011

Action Taken: Approved, as amended

Approve special meeting minutes of [January 20, 2011](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. * **RESOLUTION** - 67th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$79,000 for the replacement of stolen copper wire (**Citywide**) (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2011-11 adopted
- B. Approve the acquisition of one (1) grant deed from property owned by Fresno Metropolitan Flood Control District for the Basin BM Trail project on the northeast corner of E. California and S. Fowler Avenues for the amount of \$35,490 (**Property located in District 5**) – Public Works Dept.
Action Taken: Approved
- C. * **RESOLUTION** - 72nd amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$25,800 of American Recovery and Reinvestment Act funds from the Fresno County Workforce Investment Board for contractor outreach, education, and facilitation of “green jobs” development (**Requires 5 affirmative votes**) – Development and Resource Mgmt. Dept.
Action Taken: Resolution No. 2011-12 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. Approve the appointments of Miguel Arias (Councilmember Xiong) and Bob Cook (Councilmember Quintero) to the Charter Review Committee
Action Taken: Bob Cook appointed by Councilmember Quintero; Dan Fitzpatrick appointed by Councilmember Xiong replacing Miguel Arias
- E. * **BILL NO. B-3 - (Intro. 1/27/2011) (For adoption)** - Amending sections of the Fresno Municipal Code to comply with settlement reached between active and retired Fresno City employees relating to the clarification of compensation issues for the Employee Retirement System – City Attorney's Office
Action Taken: Ordinance No. 2011-3 adopted
- F. * **BILL NO. B-4 – (Intro. 1/27/2011) (For adoption)** – Amending Section 12-611 of the Fresno Municipal Code relating to Council District Plan Implementation Committees – Councilmember Borgeas
Action Taken: Ordinance No. 2011-4 adopted

CONTESTED CONSENT CALENDAR

9:15 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - Adopting a policy to waive the Citywide development impact fees for parks, major streets and traffic signals within the Downtown Development Incentive Zone (**Property located in District 3**) – Public Works Dept.
Action Taken: Removed from the agenda by staff
- B. Reject all bids to construct the Central and Southeast District Policing Stations along with a secure storage building at the Southeast District Station (**Property located in Districts 1 and 4**) - Public Works Dept. & Police Dept.
Action Taken: Continued to allow Councilmember Xiong to meet with staff and staff directed to ask bidders if willing to extend their bids

9:45 A.M. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to consider designation of the Crest Theater located at 1160 Broadway Plaza (**Property located in District 3**) and the Alfred and Minnie Cherin Home located at 233 E. Cornell Avenue (**Property located in District 1**) to the Local Register of Historic Resources - Development and Resource Management
Action Taken: Held
- a. * **RESOLUTION** - Designating the Crest Theater located at 1160 Broadway Plaza to the Local Register of Historic Resources (**Property located in District 3**)
Action Taken: Resolution No. 2011-13 adopted
- b. * **RESOLUTION** - Designating the Alfred and Minnie Cherin home located at 233 E. Cornell Avenue to the Local Register of Historic Resources (**Property located in District 1**)
Action Taken: Resolution No. 2011-14 adopted

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of January 27, 2011

Action Taken: Approved

- A. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the expenditure of \$500,000 for the installation of landscaping and facility improvements for the neighborhood youth center at California and Elm Avenues (Southwest Fresno General Neighborhood Renewal Project Area) **(Council and Agency action)**
Action Taken: Removed from the agenda
- B. Approve a Professional Services Agreement with California Associates, Inc. for the construction management and construction staking services necessary for the relocation of historic structures to 450 "M" Street, Fresno, CA and exterior restoration of structures, and authorize Executive Director to execute the agreement **(Agency action)**
Action Taken: Approved
- C. Request Agency affirm the Storefront Improvement Program (SIP) reimbursement for exterior renovations to the Fresno Area Hispanic Chamber of Commerce building on 1444 Fulton Street **(Agency action)**
Action Taken: Affirmed
- D. Determination that the activity contemplated by the Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and TFS Investments, LLC for the development of a new residential project at 541-545 N. Fulton Street is within the scope of Program Environmental Impact Report No. 03-01, approved in a Joint Resolution of the City Council and the Agency Board (Resolution No. 2003-198/1627) ("EIR 03-01"), and that EIR 03-01 adequately describes the activity for the purposes of CEQA **(Agency action)**
Action Taken: Approved
1. Approve an Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and TFS Investments, LLC for the development of a new residential project at 541-545 N. Fulton Street in the Freeway-99 Golden State Corridor Redevelopment Project Area, subject to approval by the Ex Officio Attorney of the Redevelopment Agency of the City of Fresno **(Agency action)**
Action Taken: Approved

ADJOURN AGENCY**CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Sabina Sidhu v. City of Fresno, et. al. Fresno County Superior Court Case No. 09CECG03173
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	10 -	9:30 A.M.	WORKSHOP re: priority setting - Mayor's Office
Feb.	10 -	10:00 A.M.	HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept. (Continue to March 3, 2011 @ 10:30 a.m.)
Feb.	10 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-09, Rezone Application No. R-10-07, filed by Dirk Poeschel Land Development Services
Feb.	10 -	10:30 A.M.	JOINT HEARING WITH RDA re: DDA and adoption of a resolution re: Edison Plaza Partners
Feb.	17 -	10:00 A.M.	HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights of way for public utility purposes from the following parcel of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-23 owned by Central California Nikkei Foundation
Feb.	17 -	10:15 A.M.	HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights of way for public utility purposes from the following parcel of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-28 owned by Frank P. Chung and Lily L. Chung, as Trustees, creating the Chung Family Revocable Trust, as to undivided ½ interest; and Walter M. Gee and Wai Yui Gee, Trustees under Revocable Trust Agreement dated December 15, 1986, as to an undivided ½ interest
Feb.	24 -		NO MEETING – PRESIDENTS' DAY
Mar.	3 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 (Property located in District 5)
Mar.	3 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Mar.	3 -	10:30 A.M.	CONTINUED HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Mar.	3 -	10:45 A.M.	JOINT HEARING WITH RDA re: five implementation Plans
Mar.	10 -		MEETING
Mar.	17 -	10:00 A.M.	HEARING to consider Plan Amendment A-10-005 and environmental findings, filed by the City of Fresno Airports Department, pertaining to property located in and around the Fresno Yosemite Airport, generally bounded by E. Dakota, North Chestnut, E. McKinley and North Clovis Avenues
Mar.	24 -		NO MEETING – COUNCIL RECESS
Mar.	31 -	10:00 A.M.	HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley (Property located in District 3)